

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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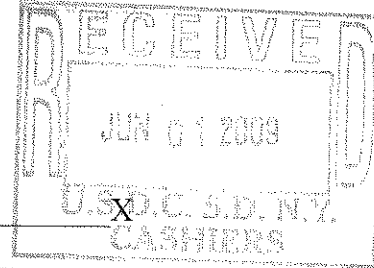
Mr. and Mrs. A, on behalf of D.A.

Plaintiffs,
v.

COMPLAINT

New York City Department of Education, and
JOEL KLEIN, in his official capacity as Chancellor
of the New York City School District,

Defendants.



PRELIMINARY STATEMENT

1. Defendants, the New York City Department of Education, and Joel Klein, Chancellor of the New York City School District (collectively, "Defendants"), are required to provide a free and appropriate public education ("FAPE") to all children with disabilities who reside in New York City. 20 U.S.C. § 1400, et seq.; N.Y. Educ. Law §§ 4401, 4404, 4410; 8 N.Y.C.R.R. § 200.

2. D.A. is a 16 year-old New York City resident classified as autistic by Defendants.

3. Defendants failed to provide D.A. his federally and state mandated FAPE for the 2007-2008 school year although D.A.'s parents had fully cooperated with Defendants' procedures, as determined by both a New York City Impartial Hearing Officer and the New York State Review Officer. (Attached hereto as Exhibit "A" is a copy of the Findings of Fact and Decision of Hearing Officer Dale A. Black-Pennington, Esq. dated December 1, 2008, *see* pp. 22-27; Attached hereto as Exhibit "B" is a copy of the Decision of the State Review Officer, *Application of a Student with Disability*, 09-001, dated March 2, 2009, *see* p. 7).

4. To remedy the deprivation of this guaranteed right, D.A.'s parents, the Plaintiffs, unilaterally placed him in the Rebecca School, a non-state approved private school, and entered